

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

)
) No. 03 MDL 1570 (RCC)
) ECF Case
)

This document relates to:

ASHTON, *et al.* v. AL QAEDA ISLAMIC ARMY, *et al.*, Case No. 02-CV-6977;
BURNETT, *et al.* v. AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*, Case No.
03-CV-5738;
CONTINENTAL CASUALTY CO., *et al.* v. AL QAEDA ISLAMIC ARMY, *et al.*, Case No. 04-
CV-05970;
EURO BROKERS, INC., *et al.* v. AL BARAKA INVESTMENT AND DEVELOPMENT CORP., *et
al.*, Case No. 04-CV-07279;
NEW YORK MARINE AND GENERAL INSURANCE CO. v. AL QAIDA, *et al.*, Case No. 04-CV-
6105;
TREMSKY, *et al.* v. OSAMA BIN LADEN, *et al.*, Case No. 02-CV-7300; and
WORLD TRADE CENTER PROPERTIES LLC, *et al.* v. AL BARAKA INVESTMENT AND
DEVELOPMENT CORP., *et al.*, Case No. 04-CV-07280.

**DECLARATION OF ALAN R. KABAT
IN SUPPORT OF DEFENDANT DR. ABDULLAH NASEEF'S
CONSOLIDATED MOTION TO DISMISS**

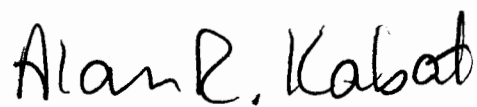
I am an attorney licensed to practice in the District of Columbia and am admitted *pro hac vice* in this matter. I am with the law firm of Bernabei & Katz PLLC, counsel to Dr. Abdullah Naseef. I submit this declaration to transmit to the Court the following documents submitted in support of Dr. Naseef's Consolidated Motion to Dismiss:

1. Exhibit 1 to Dr. Naseef's motion to dismiss is a copy of the Declaration of Abdullah Naseef (March 30, 2004).
2. Exhibit 1 to Dr. Naseef's motion to dismiss is a copy of the Virginia Corporate Records and Registrations for the Makkah Mukarramah Charity Trust, Inc.
3. Exhibit 3 to Dr. Naseef's motion to dismiss is a copy of Process Server Network,

“International,” online at <http://www.processnet1.com/internat.htm> (last modified Feb. 10, 2004).

4. Exhibit 4 to Dr. Naseef’s motion to dismiss is a copy of Process Server Network, “Saudi Arabia,” online at http://www.processnet1.com/saudi_arabia.htm (last modified Mar. 8, 2004).

I declare under the penalties of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on September 5, 2005.

A handwritten signature in black ink that reads "Alan R. Kabat". The signature is written in a cursive, slightly slanted style.

ALAN R. KABAT

Exhibit 1

Dr. Abdullah Naseef's
Consolidated Motion to Dismiss

03 MDL No. 1570 (RCC)

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

THOMAS E. BURNETT, SR., *et al.*,

V.

AL BARAKA INVESTMENT AND DEVELOPMENT
CORPORATION, *et al.*,

Defendants.

I, Dr. Abdullah Naseef, being duly sworn, declare and state as follows:

2. I have been informed by my attorney that I am a defendant (D97) in the above-captioned action. I am submitting this declaration in support of my Motion to Dismiss for lack of personal jurisdiction and improper service of process.

3. I was born in 1939, in Jeddah, Saudi Arabia, and have lived in Saudi Arabia all of my life. I have always been a citizen of the Kingdom of Saudi Arabia.

4. I am a Professor of Geology, at King Abdulaziz University, Jeddah.

5. I was the Secretary-General of the Muslim World League from 1983 until 1993.

The Muslim World League is a charity that is sponsored and supported by the Saudi government.

In my capacity as Secretary-General, I also served as an officer of the Rabita Trust from 1988 to

1993. The Rabita Trust is a charity that is partly owned by the Muslim World League, and partly owned by the government of Pakistan.

6. In 1993, I was appointed by Royal Decree to the Saudi Majlis-ash-Shura, which is the legislative body of the Saudi government, equivalent to a Parliament in other countries. I became the Deputy Speaker (or Vice President) of the Majlis-ash-Shura, and retired in 2001.

7. I have visited the United States on several occasions since 1965 to study at Stanford University, with my last visit being in 2002 to attend the World Economic Forum Conference. Although I do not now remember the dates, nature, or purposes of all of my visits, these included official visits to attend academic conferences, as well as conferences relating to the Scouting movement. I also made several visits as a tourist.

8. I own no real property in the United States. I also have no bank accounts, and have no investments in the United States. I do not conduct any personal business with any businesses in the United States.

9. I do not subscribe to or read either the *International Herald Tribune* or the *Al Quds al Arabi*. The latter publication, to my knowledge, is banned in the Kingdom of Saudi Arabia.

10. I have never supported the loss of innocent life and believe that there is no justification for the tragic attacks of September 11, 2001. I have never supported any person or organization that I have known to participate in terrorist activities. On September 13, 2001, two other Saudis and I sent a letter to President Bush, which expressed "our condemnation and denunciation of the horrible acts of terrorism perpetrated against the American people and security." We emphasized that these acts were totally contrary to "Islamic values and teachings." See A. Naseef, *et al.*, Letter to President Bush (Sept. 13, 2001) (attached hereto as

Exhibit 1). After receiving a response to our letter, *id.*, I reiterated our willingness to “to work together towards peace in the Middle East and in the world.” See A. Naseef, Letter to President Bush (Dec. 31, 2001) (attached hereto as Exhibit 2).

11. The Third Amended Complaint in this case has no allegations about me, other than in three paragraphs. In Paragraph 273 of the Third Amended Complaint, it is stated that the Rabita Trust “is connected to the SAAR Network through two officers,” including myself. Although I served as an officer of the Rabita Trust from 1988 to 1993 in my capacity as Secretary-General of the Muslim World League, I was not involved in the day-to-day operations or activities of the SAAR Network or its components. I deny that I had any knowledge of any activities of the SAAR Network that were terrorist activities, or knowingly supported terrorism.

12. Similarly, in Paragraph 274 of the Third Amended Complaint, it is stated that I “founded the Rabita Trust in July 1988 and [am] currently its chairman.” This is incorrect, since I have not been an officer of the Rabita Trust since 1993, and I believe that Wael Jalaidan is the current Secretary General. I have not made any personal donations to the Rabita Trust. I deny that I had any knowledge of any activities of the Rabita Trust that were terrorist activities, or knowingly supported terrorism. I have no knowledge of the day-to-day operations or activities of the Rabita Trust since 1993.

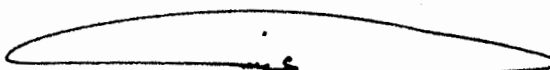
13. In Paragraph 275 of the Third Amended Complaint, it is stated that as part of my “global efforts” to “spread Muslim World League offices around the world,” I was “involve[d] in a SAAR Network charity,” as an “officer of Makkah-al-Mukarramah, Inc., registered in Virginia as a non-profit charity.” I had no involvement with the day-to-day activities or operations of the SAAR Network or the Makkah-al-Mukarramah, Inc., and I deny that I had any knowledge of any activities of either entity that were terrorist activities, or knowingly supported

terrorism.

14. I can read and understand English.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.





Dr. Abdullah Naseef

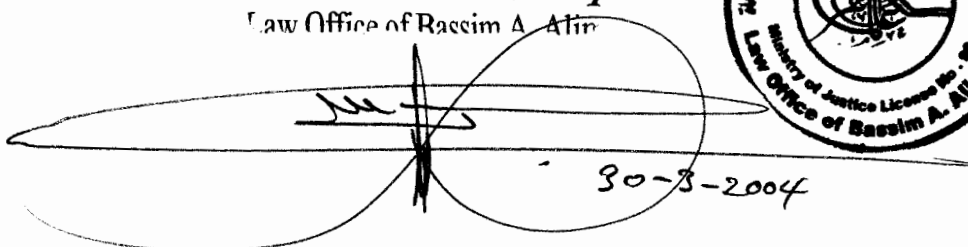
Executed on the 30 day of March, 2004.

This is to certify that
This is the true Signature of the Above Signer
Without Responsibility of the Contents

Bassim A. Alim, Esq.

Law Office of Bassim A. Alim




30-3-2004

Attachment 1 to Naseef Declaration

Dr. Abdullah Naseef's
Motion to Dismiss the Third Amended Complaint

03 MDL No. 1570 (RCC) / C.A. No. 03-CV-9849 (RCC)

**His Excellency President George Bush
President of the United States of America
September 13, 2001**

We would like to express to your Excellency our condemnation and denunciation of the horrible acts of terrorism perpetrated against the American people and security. We would like also to express to you and your family personally and to the victims families and friends and all the friendly people of the United States our deep sorrow and sincere condolences and sympathy.

We would like also to stress upon the fact that Islamic values and teachings totally reject all kinds of violence and acts of terrorism. Islam lays emphasis on the inviolability as well as the sanctity of both human life and dignity regardless of national affiliation, religion, color and/or ethnic background. The value of human lives is highly valued in Islam thus it deems killing one soul with out a just cause is like killing the entire people and saving one soul is a saving the lives of humanity at large. Muslims consider any aggression against innocent people an aggression against God's prohibition and eternal values. In fact, Muslims view such an aggression as deplorable and disgusting.

In addition, we would like to convey our appreciation for your Excellency's noble gesture when you expressed your eagerness about the safety of Arab and Muslims citizens and rejected the cheap media intrigues spread against by parties that are notorious for their hostility against Arabs and Muslim. These parties are known to have made prescriptions leveling accusations against Arabs and Muslims whenever the American people are exposed to a painful accident or detestable aggression. Obviously, the goal of this parties-historically notorious for their trickery is to mislead, confuse, and divert the right course followed the American security agents in pursuing and identifying criminals. The aim of these parties is to obtain the sympathy of the good American people and incite their wrath against Arabs and Muslims so as to justify the on-going massacre they are penetrating against the Palestinian people and destruction of their homes and properties. Sweeping away their palm land, which is an act of genocide unprecedented in the history of mankind.

Finally, we would like to reaffirm to your Excellency our firm conviction that the acts of violence are not the right path to achieve peace and security for people and societies. The right path to achieve all is to have dialogue, justice and to confirm mutual respect between different cultures and civilization.

**Dr. Abdullah Bin Omar Nassif
President of the World Muslim Congress**

**Dr. Hamid Bin Ahmad Al-Rifaie
President of International Islamic Forum for Dialogue**

**Dr. Abdullah Bin Biah
Former Minister of Justice
Professor of the University of King AbdulAziz**

Attachment 2 to Naseef Declaration

Dr. Abdullah Naseef's
Motion to Dismiss the Third Amended Complaint

03 MDL No. 1570 (RCC) / C.A. No. 03-CV-9849 (RCC)



**CONSULATE GENERAL OF THE
UNITED STATES OF AMERICA**

**Jeddah
December 6, 2001**

**Dr. Abdullah Bin Omar Naseef
President of the Muslim World Congress**

Dear Dr. Naseef:

I have the pleasure of delivering the enclosed letter to you on behalf of James Larocco, Acting Assistant Secretary of State for Near Eastern Affairs, U.S. Department of State, in response to your letter of September 15 to President Bush.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Richard L. Baltimore III".

**Richard L. Baltimore III
Consul General**

Dr. Naseef, Dr. AL-RIFAIE, and Dr. Bin Biah, received a letter From U.S.A President Bush Responding on their Latter, Dated 15 September, which was sent to him, regarding terrorist attacks of 11 September. Please find in the following the complete text of the litter:



Thank you very much for your letter of September 15 offering your kind expression of condolence and friendship and I appreciate your support during this challenging time for the American people.

The United States has welcomed the support of Muslim leaders around the world who have denounced the terrorist attacks of September 11 and rejected any justification for them under Islam. We in the United States know that our fellow Muslim citizens, and our Muslim friends abroad, practice a religion that affirms life and denounces violence. The United States remains committed to working with our Muslim friends to build a more secure, peaceful, and tolerant world for all people.

We hope that the Muslim World Congress will join us in reaching out to other cultures and religions in our efforts to work together toward peace in the Middle East and in the world. Only through mutual understanding and respect will we achieve the peace and security that we are all seeking.

Thank you again for your letter.

World Muslim Congress

President's Office



مؤتمر العالم الإسلامي

مكتب الرئيس

Date : _____ التاريخ

Ref : _____ الرقم

31/12/2001

H. E. President George W. Bush
President,
United States of America

I have received on 4 December through the Consul General of America in Jeddah your esteemed letter signed by Mr. James A. Larocco, acting Assistant Secretary of State for Near Eastern Affairs, in response to our letter dated 15 September 2001.

I personally, and on behalf of my colleagues Prof. Kamil E. Al-Shareef, Secretary General of International Islamic Council for Daw'a and Relief, Prof. Dr. Hamid. A. Al-Rifaie, President of International Islamic Forum for Dialogue, and Prof. Dr. Abdullah Bin Biah, Professor of Islamic Law at K.A.A. University welcome your invitation to Muslim World Congress to join your efforts to work together towards peace in the Middle East and in the world.

We are ready to meet any representative assigned by your Excellency in order to discuss together the ideas and views which may help both of us to reach a reasonable and practical plan to achieve this noble goal.

Thank you with best wishes

Prof. Dr. Abdullah Omar Nasseef
President
World Muslim Congress

P.O. Box 149
Jeddah 21411
Tel: (966) (02) 667-0080 x4120
FAX: (966) (02) 669-2991

**American Consulate
Jeddah**

To: *Dr. Abdullah Omar Nasseef*
President
World Muslim Congress

From: Mark A. Candill
Consul (Political)

FAX: 669-3362

Pages: ①

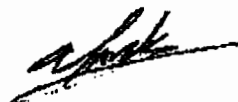
Phone: 661-3682

Date: 01/02/02

Dear Dr. Nasseef:

Thank you for your letter to President Bush which we received today. We have forwarded it to the Department of State in Washington, DC, for passage to the White House.

Sincerely,



سعادة الدكتور عبد الله عمر النصف

Exhibit 2

Dr. Abdullah Naseef's
Consolidated Motion to Dismiss

03 MDL No. 1570 (RCC)



25889255171

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25889255171

CORPORATE RECORDS & BUSINESS REGISTRATIONS

This Record Last Updated: 02/03/2004
Database Last Updated: 09-02-2005
Update Frequency: WEEKLY
Current Date: 09/05/2005
Source: AS REPORTED BY THE SECRETARY OF STATE OR OTHER OFFICIAL
SOURCE

COMPANY INFORMATION

Name: MAKKAH MUKARRAMAH CHARITY TRUST, INC.
Address: 555 GROVE ST
HERNDON, VA 22070

FILING INFORMATION

Filing Date: 05/01/1990
State of Incorporation: VIRGINIA
Date Incorporated: 05/01/1990
Duration: PERPETUAL
Status: TERMINATED(AUTOMATIC)
Status Attained Date: 09/30/1998
Corporation Type: NOT AVAILABLE
Business Type: CORPORATION
Address Type: BUSINESS
Registration ID#: 0358154

Where Filed: STATE CORPORATE COMMISSION
1220 BANK ST
RICHMOND, VA 23219

REGISTERED AGENT INFORMATION

Agent Name: DR. M. YAQUBMIRZA
Address: 555 GROVE STREET
HERNDON, VA 22070
Agent Appointed: 05/01/1990

25889255171

Page 2

PRINCIPAL INFORMATION

Name: ALMOAYYAD, ABDULELAH
Title: VICE PRESIDENT

Name: TOTONJI, DR AHMAD
Title: PRESIDENT

Name: MIRZA, DR M YAQUB
Title: SECRETARY, TREASURER

ADDITIONAL DETAIL INFORMATION

Additional Details: INDUSTRY: GENERAL

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END OF DOCUMENT

Exhibit 3

Dr. Abdullah Naseef's
Consolidated Motion to Dismiss

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- ➡ Any other international assignment

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 2. A brief letter of instructions with service address
 3. A check for the service - we will send you a statement for any required translation costs
-

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- Local **interpreters** for depositions
- Foreign **corporation** research
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- Research **laws** and **local rules** in foreign jurisdiction
- Lawsuit **search** on defendant
- **Embassy**/Consulate support in any nation
- **News** search on any defendant

- Surveillance/Stake-out/**investigations**
- Any other legal support assignment you may have

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About International Service of Process

There are two general methods of service abroad:

Formal Methods:

The "formal method" of service is the generally recommended method of service, particularly in countries that are signatories to an international treaty, such as the *Hague Service Convention*. This method is needed if it is anticipated that enforcement of judgment will be required.

The *Hague Service Convention* set forth the international rules related to service of process outside the originating country. Each nation that belongs to the *Hague Service Convention* agrees to abide by these international rules.

Letters Rogatory is the formal method to be used in countries that are not signers of the Hague Service Convention. In addition, the *Inter-American Convention on Letters Rogatory* controls the same issues between countries in North and South America. *Letters Rogatory* is also used when taking the deposition of a person in another jurisdiction.

The timeframe for service pursuant to formal methods can range from 1 to 5 months since proper procedures and/or diplomatic channels must be followed (typical turnaround time in most nations is 2-3 months). Costs are significantly *lower* than in informal service in most countries.

Generally, we recommend the formal method of service to insure a valid judgment.

No matter which method you choose, **we handle the paperwork and logistics in completing the service** in a timely and efficient manner. **We do everything** from preparing the letter of transmittal to the translation of your filed documents, as required.

Informal Methods:

Informal methods of service are available in most areas of the world where service by a non-attorney or private process server are . In general, if the country is not a signatory of an international treaty, service may be made by informal methods (similar to service in the United States). However, some countries such as Germany, Japan, Korea, China, Switzerland and Italy do not allow service by private process server and impose serious civil and criminal sanctions on those who violate their national sovereignty.

The advantage to utilizing informal service, in nations where it is available, is often the timeframe for completing service.

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E-mail Us





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Fax: (818)772-4798

Mailing address: 10010 Canoga Avenue #B6, Chatsworth, CA 91311-0959

E-mail: processnet@sbcglobal.net



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Celebrating 26 years of service to the legal profession



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 process servers Idaho, process servers Illinois, process servers Mississippi, process servers Montana, process servers Nebraska, process servers New Hampshire, process servers
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 Louisiana, process servers Maine, process servers Maryland, process servers Massachusetts, process servers Missouri, process servers Michigan, process servers Minnesota,
 process servers, Rhode Island, process servers South Carolina, process servers South Dakota, process servers Tennessee, process servers Texas, process servers Utah, process
 servers Utah, process servers Vermont, process servers Virginia, process servers Washington, process servers Washington, DC, process servers West Virginia, process servers
 Wisconsin, process servers Wyoming, process servers Chatsworth

Exhibit 4

Dr. Abdullah Naseef's
Consolidated Motion to Dismiss

03 MDL No. 1570 (RCC)



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Saudi Arabia

Process Service Network is one of a few firms that specializes in international service of process and offers competitive rates on foreign services. Here is a summary of the methods available for service outside the United States and a specific proposal for the requested nation.

Our job is to cut through the bureaucracy and red tape to get the service completed with as little delay as possible. Since we have been in business for 26 years, we have developed close working relationships with key individuals in most countries throughout the world. The founder and President of *Process Service Network* was a Political Science major in college with a focus on international relations and is actively involved in a worldwide organization through which he has developed business and personal relationships in over 80 nations worldwide.

FORMAL SERVICE:

SAUDI ARABIA is not a signer of the Hague Service Convention. There is currently no formal method of service since Saudi Arabia does not honor Letters Rogatory.

INFORMAL SERVICE:

Private process servers may serve documents in most countries, whether a signer of *The Hague Service Convention*, or not. Service is normally handled in a manner similar to methods used in the United States, although completion of the service usually takes longer. Customs and traditions in other countries tend to lead to a slower pace and less rigid work habits, particularly in the Arab nations. Service sometimes may take several months but informal service is generally much faster than formal methods. Most process servers who we employ are off-duty police officers or other government officials who are able to, in certain cases, exercise their official capacity to complete the service. Since we pay the process server a bonus (at our own expense) for prompt

service, the normal delays are usually reduced.

It must be advised, however, that corruption is sometimes evident in that country and that it is common for the process server to contrive an excuse for delays and/or additional costs. We will cover any additional costs but delays may be unavoidable.

Further, service in Saudi Arabia has been complicated in the recent period due to tensions in the Arab world. We do all that is possible to insure a timely completion of the service.

Advantage: Time and cost.

Disadvantage: Judgment may not be enforceable in the country where assets are located.

TRANSLATIONS:

Some countries require the documents to be translated into the official language of the nation where they are to be served. The U.S. State Department *recommends* translation, but it is not a requirement unless the formal method is used. It is possible, although rare, that a demurer could be filed based upon lack of understanding by the defendant as to the nature and meaning of untranslated documents. It is important that the Defendant understand the nature of the documents.

COSTS:

Service of process:

Informal = \$1175.00 All fees are per defendant/address

Translation: \$0.38 per word (proper nouns not translated)

DECLARATIONS:

We provide any necessary formal Declarations, under penalty of perjury, that the Court may require as to the progress and status of the service (at no additional cost).

WARNING: Beware of companies that quote suspiciously low rates. They often come back later with an excuse for an additional charge. Our rates are firm for one address quoted. Other companies are actually brokerage firms or website developers, not process service agencies, who farm out assignments to secondary companies that are not knowledgeable or qualified on international service of process.

DISCLAIMER:

The information contained herein is provided for general information only and may not be accurate at the time of service in a particular case or country. Questions involving specific services should be directed to our office. Care should be exercised in choosing the method of service (formal/informal) if eventual enforcement of a U.S. judgment is anticipated in the country where the documents are to be served. No legal advice is intended in the statements contained herein. Assignments for international service of process are accepted on the basis that the assigning law firm has researched all applicable laws. Process Service Network and its agents assume no liability for its actions in the course of any phase of the service of process assignment.



Phone: (800)4-1-PROCESS or (800)417-7623 or (818)772-4795

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Mailing address: 10010 Canoga Avenue #B6, Chatsworth, CA 91311-0959

E-mail: processnet@sbcglobal.net



Specializing in International Service and "hard-to-serve" cases



* Guaranteed service means we will serve the documents at the address provided, if service is legally possible. Dated documents may require a re-set of the court date if unable to serve in time. Additional charge will apply for additional addresses and attempts on dated documents after re-set. Guarantee does not apply to investigations, out-of-area process service, small claims cases, or international service of process due to circumstances that may occur beyond our control in certain nations and we cannot be responsible for such circumstances. No refunds will be made after institution of any assignment, for any reason. All fees are due and payable upon demand. Our fees cover all known governmental fees in foreign nations and our fee to handle the service; in rare cases, extra charges may apply to cover governmental agency fees. Note: We've been doing it for 26 years, so we must be doing it right.

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